

## **DRAFT MEETING SUMMARY**

### **Second Advisory Meeting on Dry Cutting and Grinding of Concrete and Masonry Materials**

March 26, 2007  
Elihu Harris State Building  
1515 Clay Street  
Oakland, California

#### **Attendees**

Dan	Brison	Martinez Construction
Gail	Bateson	California Department of Health Services
Christopher	Becker	Hensel Phelps Construction Company
Bill	Benham	DPR Construction, Inc.
Kevin	Bland	California Professional Association of Specialty Contractors
James	Bresnahan	Member, Bricklayers and Allied Crafts Local 3
Jim	Breuner	Pacific Gas & Electric Company
Julie	Broyle	Cal Advocates
Edward	Calderon	Shea Homes
Buck	Cameron	Center to Protect Workers Rights
William	Callahan	Associated Roofing Contractors of the Bay Area Counties
Orlando	Catellon	Roofers & Waterproofers Local 81
John	Chrysler	Masonry Institute of America
Fran	Ciborowski	Old Country Roofing
LeRoy	Cisneros	Roofers & Waterproofers Local 81
Joel	Cohen	California Industrial Hygiene Council
Jack	Connors	Toll Brothers
Dave	Danner	Bricklayers and Allied Crafts Local 3
Vince	Dedonatis	Kenton Plastering
Bob	Downey	
Martin	Ferrari	Cement Masons Local 300 IATC
Dieter	Folk	Old County Roofing
Beth	Goldstein	Occupational Health Internship Program
Kevin	Goodwin	
Joel	Guth	Masonry Technology, Inc
David	Harrington	California Department of Health Services
Richard	Harris	Residential Contractors Association
Tulio	Hernandez	Selectbuild
Dan	Hill	Stihl, Inc
Steve	Howard	Wirtgen America
Russell	Hutchison	Association of Equipment Manufacturers
Willilam	Jackson	Granite Construction
Raymond	Keen	International Union of Bricklayers and Allied Crafts
Jim	Kegebein	Rudolph & Sletten
Jamie	Khan	Associated General Contractors
Erick	Koberg	AEM/Multiquip, Inc
Bill	Larson	PBC Companies
Dan	Leacox	Greenberg Traurig
Kevin	MacDonald	Townsend & Schmidt Masonry

John	Mason	International Union of Bricklayers and Allied Crafts
Nancy	Moorhouse	Teichert Construction
Jose	Mora	Petersen Dean, Inc.
Jeff	Moye	San Marino Masonry
Morgan	Nolde	Roofers and Waterproofers Local 81
Robert	Ortiz	Nibbi Brothers General Contractors
Gary	Peifer	Bricklayers and Allied Craftworkers
Walter	Robinson	Laborers International Union of North America
John	Sacco	Eartshine Consulting
Fran	Schreiberg	WorkSafe
David	Sheppard	Bricklayers and Allied Crafts Local 3
Dan	Smith	Town and Country Roofing
Jeremy	Smith	California Labor Federation
Rick	Smith	General Masonry, Inc
Kevin	Smith	Frank Smith Masonry, Inc.
Adrian	Solorzano	Lakeview Professional Services
Michael	Storer	Safety Support Services
Martin	Stout	Mayer Roofing
Tina	Swearingin	Casey Fogli Concrete
James	Synder	Selectbuild Concrete
Jeffery	Tamayo	T&C Roofing, Inc
Victor	Thibeault	PBC Companies
Ed	Thomas	CVC Construction
Kevin	Thompson	Cal/OSHA Reporter
Julie	Trost	California Conference of Mason Contractors, Inc
Raul	Velasquez	Cultured Marble Products
Darin	Wallace	Production Framing
Joe	Wheeler	Loss Prevention Specialists
Pamela	White	Safety Support Services
Bruce	Wick	California Professional Association of Specialty Contractors
David	Wilkerson	Trilogy Plumbing, Inc
Chad	Wright	California Laborers-Employers Cooperation & Education Trust

### **Cal/OSHA**

Steve Smith, DOSH  
Tom Mitchell, Cal/OSHA Standards Board  
Bob Barish, DOSH  
Mike Horowitz, DOSH  
Deborah Gold, DOSH  
Chris Kirkham, DOSH

### **Summary of key discussion items and agreements:**

Employer representatives wanted to limit scope from “mechanical disruption” to *cutting, grinding, coring, drilling concrete and masonry materials*. Fran Schreiberg spoke in favor of maintaining the broader scope of “mechanical disruption” in the DOSH discussion draft passed out at the meeting.

There was discussion but no agreements reached on coverage of roofing operations, other than possibly convening of a working group to discuss further.

After lunch, in light of discussion of CalPASC proposal for exemptions from coverage for specific materials and operations, Bruce Wick reaffirmed his group’s commitment to moving forward on the basic premise of a regulation covering concrete

and masonry materials. Jim Bresnahan seconded Bruce Wick, saying that SB 46 in 2006 was specifically for cutting and grinding of concrete and masonry materials and he did not want to see discussion of coverage of other materials or operations hold up adoption of a regulation.

There was discussion, but no general agreement, on including language allowing as compliant with the draft regulation use of “other engineering controls” or “other engineering controls shown to be effective.”

There was general agreement on the value of a non-mandatory appendix or publication to assist employers with the training component of the regulation.

There was general agreement that the regulation should be in the Construction Safety Orders.

### **MEETING SUMMARY**

Steve Smith introduced the second meeting on this topic. The first meeting was held January 17, 2007. He passed out a discussion draft regulation for the meeting.

Juli Broyles: Thought there was consensus, or near-consensus, last meeting to exclude cement siding/cladding from coverage. Fran Schreiber: Need have involvement of the relevant craft union, in this case carpenters, before can say there is consensus that includes labor for exemption from coverage for any particular materials or operations.

Bruce Wick: Had consensus last meeting for coverage of cutting and grinding of masonry and concrete. We’ve added coverage of drilling in our draft.

Fran Schreiber: Want scope to include general coverage of “mechanical disruption” as in DOSH discussion draft.

Juli Broyles: Informal agreement between labor and employers on SB 46 in 2006 (Sen. Alarcon) was to limit coverage to concrete and masonry materials.

Kevin Bland: Yes, limit to concrete and masonry materials. He said CalPASC agrees with coverage of those materials, but not more, and wants some carve outs within that. CalPASC draft (discussed but not passed out) defines materials to be covered and proposed exceptions.

### **Discussion of CalPASC draft proposed materials and operations for exemption from coverage**

Kevin Wick: Propose timeframe safe for green cutting of concrete of 24 to 36 hours after pour.

There was various discussion of green cutting of concrete but no consensus reached. DOSH will do additional research.

Bill Jackson: Not all concrete is necessarily high in silica. Some based on limestone or other aggregate has minimal silica content.

Bruce Wick: CalPASC seeks exemption of tile backer board since it is almost entirely scored and snapped, not cut with power tools.

Joel Cohen: Drywall also is normally scored and snapped without power tools.

Bruce Wick: CalPASC seeks to exclude coverage of cutting of drywall, and not even talking about sanding of drywall as being an operation proposed to be covered.

Dave Sheppard: Most employers do use powered tools to cut various board materials

Bruce Wick: Tile <5/8” thick should be excluded from coverage, almost all done wet, and usually very short duration.

Jim Bresnahan: Average tile thickness is 3/8" so would exclude just about all tile cutting, even indoors where it can be an extremely dusty operation.

Jeffrey Tomio: Don't think have available solutions for roofing at this time.

Dan Smith: Lot's of safety equipment already required on roofs with steep inclines, respirator too much, too hot, risk tradeoff with wetting of roof surface re fall risk. Vacuum hose would be tripping hazard. Logistics of cutting tile on ground difficult.

Fran Ciborowski: Our company researched saws, only found wet saws, no ventilated tools.

Orlando Castellon: Roofers Local 81 spoke on feasible tools. Leroy Cisneros: roofing operations should be covered, they can be very dusty.

Jose Mora: Our company requires use of respirators since hasn't found acceptable saw for dust control.

Leroy Cisneros: Exposure not just from cutting but also blowing dust off roof with leaf blower.

Buck Cameron: Clearly silica PEL is being exceeded with roof tile cutting. Employers say can't manage ventilation hoses two stories up, but could put scaffold up as platform for fixed ventilated saw or wet saw.

Bill Callahan: No frank disease found in NIOSH Arizona roofers study. Acknowledge occurrences of exceedance of PEL to silica in cutting of roofing tile. But at least in the Arizona study most workers tested had normal lung function. Haven't found engineering control measures sufficient to control below the PEL.

Buck Cameron: Silicosis takes decades to develop, might not see effects and disease until after worker is retired.

Jim Bresnahan: Thought it had been agreed at first meeting that even if engineering control is not sufficient to reduce exposures below PEL should still be required to be used to reduce exposures.

Buck Cameron: Data CPWR has looked at shows reductions in exposure of 40 to 95% with water or ventilated tools, so these need to be used and may allow for less intrusive respirator to control below the PEL.

Mark Snyder: When cut wall cladding only do it for short periods.

Kevin Bland: Hardie blade 4-tooth design to reduce dust without using water or ventilation.

Juli Broyles: Thought last meeting agreed to exclude concrete wall board products

Fran: No consensus on that without carpenters and they weren't at the first meeting and labor representatives are not agreeing at this meeting.

Vince Dedonatis: Power tools are not used on stucco.

## **LUNCH**

Bruce Wick: After morning's discussion of various potential exclusions, want to reaffirm CalPASC commitment to moving forward on the basic premise of covering concrete and masonry materials, and not let discussion and concern with specific materials hold up that process.

Jim Bresnahan: We concur SB 46 was specifically for concrete and masonry materials, don't want regulation of those held up by discussion of coverage of other materials and operations. Satisfied contractor groups agree with SB 46 basic premise and are participating in this meeting good faith.

Leroy Cisneros: Please don't exclude roofing from coverage.

Bruce Wick: CalPASC proposes exclusion of incidental jackhammering in plumbing operations.

Bill Jackson: So does that mean the regulation contemplated would apply to all jackhammering?

Bob Barish: Not if employee exposure is below the PEL.

Bruce Wick: CalPASC proposes excluding powder actuated tools and also downward drilling where dust is less likely to become airborne.

Bob Barish: What about when use compressed air to blow dust out of downward drilled holes?

Kevin Bland: Blowing out holes is not part of cutting, grinding drilling scope.

Buck Cameron: Could dust be vacuumed out of holes?

Pam White: Tried that but took additional 45 min. per hole.

Joel Cohen: Powder actuated tools are not at all like drilling.

Joel Cohen: Need to define “masonry materials” and also “mechanical disruption.”

Russ Hutchison: Would mechanical disruption include road milling?

Bruce Wick: Focus should be cutting/grinding/drilling, not all disruption, too broad.

Juli Broyles: Should limit regulation just to cutting and grinding per SB 46 and labor/employer agreement on moving ahead with a regulation

John Sacco: Suggest possible exception for activities not producing visible dust.

Buck Cameron: Need caution if rely on visible dust since visibility can depend so much on angle of viewing, lighting, particle size etc.

Kevin Bland: Propose defining concrete and masonry materials as in the CalPASC proposal, not including concrete wall cladding materials

Jim Bresnahan: Tile needs to be included in coverage

Kevin Bland: OK we understand that

Buck Cameron: What about abrasive blasting of all masonry materials?

Joel Cohen: Should make reference for example to wall cladding shears, or any other tool that could be sufficient to control below the PEL.

John Sacco: Suggest include use of “other effective engineering controls” as compliant.

Juli Broyles: Suggest re required engineering controls “including, but not limited to, water or ventilation”

Jim Bresnahan: Have problem with word “feasible” in DOSH discussion draft limiting requirement for use of engineering controls. Who makes determination of feasibility of using engineering controls?

Kevin Bland: Would be legal burden of employer (not Division) as an affirmative defense.

Jim Breuner: Add exception for emergency operations eg. as in Title 8 regulation on trenching

Kevin Bland: Expand ventilation to include vacuum systems, more general reference to “dust reduction systems”

Kevin Bland: 8 CCR 1530 referred to in DOSH discussion draft is with regard to local exhaust ventilation which ventilated tools aren’t

Bob Downey: Supervisor training requirement in DOSH discussion draft is redundant.

Gale Bateson: Employee training should include signs and symptoms of developing silicosis.

Kevin Bland and others: DOSH should develop non-mandatory appendix to detail illnesses for employeres to train on, and for other training elements.

Buck Cameron: A non-mandatory appendix for training details is a great idea, especially for small contractors. Should detail signs and symptoms of disease, methods of dust control etc.

Juli Broyles: Prefer Consultation materials to a non-mandatory appendix in Title 8. Model programs avoid non-mandatory appendix being interpreted and cited as mandatory.

Bruce Wick: Training should be required only when employees actually will be exposed to dust, not just when they may be exposed as now proposed in DOSH discussion draft.

Jim Bresnahan: Electricians supported SB 46 to address their potential for exposure to dust from nearby operations. So training shouldn’t be limited and triggered only by actual exposure.

Bruce Wick: Want to facilitate training by small employers, Training elements (D)&(E) in discussion draft are difficult for small employers. Should be more general like 8 CCR 3395 for outdoor heat.

Bruce Wick: Propose annual training session.

Steve Smith: Next steps will be for DOSH to revise and send out proposal considering comments of this meeting. Have sense of general consensus to move forward on the big issues of cutting and grinding of concrete and masonry materials, and not be slowed by questions on particular materials and operations. Fine tuning can be done later.

Bill Callahan: Roofing contractors and roofers union are interested in forming a working group with DOSH to address roofing issues.

Leroy Cisneros: Roofers don’t want to be left out of what may be a one-time or limited opportunity to address the problem of dust from cutting of concrete roof tiles.

Juli Broyles: Would the regulation be located in construction or general industry safety orders in Title 8?

Kevin Bland: Should be in construction orders since that’s who’s here participating in these meetings.

**END**

